THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8306 of 2007

20.4.2007

Between:

T.T.D. Service Organisations Federation, Tirumala-Tirupathi,
Represented by its Secretary, S.N.Srinivasan

… Petitioner

AND

Tirumala Tirupathi Devasthanams, represented by its
Executive Officer, Tirupathi, Chittoor District
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8306 of 2007

ORDER:

T.T.D. Service Organizations Federation (hereafter called, Federation – petitioner herein) is a Trade Union registered under Indian Trade Unions Act, 1926. Aggrieved by the election notification in Roc.No.WO1/24554/2003, dated 24.3.2007 issued by second respondent for conducting elections to Tirumala Tirupathi Devasthanams (TTD) Employees Association to elect office bearers of the Employees Association, the present writ petition is filed.

A perusal of the impugned notification would show that TTD Employees Association has employees from Class-IV to Senior Assistant and equivalent cadres but below the cadre of Superintendents. The Executive Officer of TTD issued proceedings in Roc.No.WO1/24554/2003, dated 23.3.2007 appointing the Estate Officer, TTD, as Election Officer and Returning Officer to conduct election for office bearers of employees association. This notification is assailed by Federation claiming membership of 2000 employees mainly on the ground that TTD Employees Association is not registered under law and that there is no provision in Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity) or Rules made thereunder authorizing TTD to conduct elections. It is stated that without obtaining option or consent from as many as 9857 employees in the cadre of Senior Assistants including the members of Federation are shown in the employees association, which is illegal and arbitrary.

At the stage of admission itself, learned Standing Counsel for TTD has opposed the writ petition. He submits that the petitioner Federation is a trade union and TTD is not conducting elections to the

Federation. He further submits that for the last twenty years, there were no elections for various associations in TTD, that all of them have been requesting the Executive Officer and TTD Board to conduct elections. The matter was placed before the TTD Board as item No.418 in its meeting on 12.10.2006. By resolution No.418, TTD Board resolved to conduct elections accepting the representation of the TTD employees united committee. Thereafter, on 19.3.2007 a meeting was convened in the administrative building at Tirupathi. Large number of members from various cadres participated and expressed no objection for conducting elections on the lines similar to Andhra Pradesh Non-Gazetted Officers Association. Pursuant thereto, Executive Officer issued proceedings and then election notification was issued. Learned Standing Counsel relied on Powers & Functions of TTD Board. He also placed before this Court Fax mail copies of various documents in support of these contentions.

Chapter XIV of the Act (Sections 95 to 131) deal with Tirumala Tirupathi Devasthanams. Section 96 of the Act empowers the Government to constitute a Board for TTD consisting of not more than fifteen members. Section 97 of the Act deals with powers and functions of the Board and reads as under.

> **97. Powers and functions of the Board:-**
>
> The Board shall in addition to the powers conferred and functions entrusted to it by this Act, exercise such other powers and perform such other functions as may be prescribed in regard to matters of policy and general superintendence and review in relation to the Administration of Tirumala Tirupathi Devasthanams having due regard to public interest and the services and amenities to be provided to and welfare safety measures to be undertaken for the pilgrims, devotees and worshipeers resorting to Tirumala Tirupathi Devasthanams.

The Board is conferred with the powers in regard to the matters of policy and general superintendence and review in relation to administration of TTD having regard to public interest and services and amenities to be provided for the pilgrims, devotees and worshippers. The language used in Section 97 of the Act is broad enough to include the power of TTD to conduct election to the employees association so as to bargain with a representative body in the event of employee-employer dispute. In exercise of such powers conferred under Section 153 of the Act, the Government of Andhra Pradesh promulgated Powers & Functions of TTD Board Rules, 1990. Rule 13(1)(h) reads as under.

> **13(1)** The Board of Trustees shall lay down general lines of policy in accordance with the Act and in pursuance thereof it shall be competent to consider and recommend policy guidelines to the

Tirumala Tirupathi Devasthanams on –
(h) such other matters of policy on general superintendence and review in relation to the administration of the Tirumala Tirupathi Devasthanams having regard to public interest and the services and amenities to be provided to, and the welfare and safety measures to be undertaken for pilgrims, devotees and worshippers resorting to Tirumala Tirupathi Devasthanams.

A plain reading of the above Rule would show that it is always competent for the TTD Board to exercise general superintendence in relation to administration.

A Division Bench of this Court in **Dr.S.Dattatreya Rao v State of Andhra Pradesh**[1] while interpreting Section 97 of the Act held that, "in view of the language employed in Section 97 of the Act which is wide enough to include the power to make resolutions relating to policy decisions in the interest of public, the Board can make any resolution". It would not be out of place to mention that under Article 43A of Constitution of India, it shall be the duty of the State to take steps by suitable legislation or in any other way to secure the participation of the workers in the management of undertakings, establishments or other organizations engaged in industry. TTD undertakes a large number of activities and operations to manage huge assets and the perennial inflow of pilgrims in tens of hundreds of thousands every day. If any dispute arises with its employees, who without any doubt discharge important functions, TTD Board would not be in a position to discharge its functions under Section 97-B of the Act. Section 97-B *inter alia* provides that the over all administration, management and organization of TTD shall vest in the Board and the Board shall exercise general superintendence and control over the administration of TTD. The administration of TTD by dividing into various divisions and departments and management of various personnel in the department is certainly a part of "superintendence" and review in relation to administration of TTD, which is exclusively conferred on TTD Board. Therefore, when once the Board has passed resolution resolving to conduct election, the same cannot be faulted. The submission that TTD employees association is not a registered body is no ground to invalidate the election or election notification. There is no legal bar in citizens to form into association without registration. Indeed forming of association is a fundamental right under Article 19(1)(c). Exercise of such fundamental right by citizens does not require any registration unless the law specifically provides for such registration.

The writ petition is misconceived and is accordingly dismissed.

No costs.

April 20, 2007. (**V.V.S.RAO, J**)
L.R. Copy be marked.
(By order)
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[1] 2004(4) ALT 114 (DB)